

Remarks

In response to the Office Action dated December 04, 2006, Applicants respectfully request reconsideration based on the above claim amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Claims 1-3, 5-23 and 26-31 are pending. Claims 4, 24, 25, 29-31 have been cancelled without prejudice or disclaimer. Claims 1, 10-11, 15, 23, 26 and 28 have been amended. No new matter has been added.

Interview Summary

A phone interview was conducted on February 1, 2007. As preliminary matters, Applicants raised the existence of typographical errors in at least paragraphs 4 and 26 of the Office Action where the Examiner has confused the Profit (U.S. Patent 6,636,831) and *Breneman* references. The Examiner acknowledged the error and confirmed that Applicant's previous arguments vis-à-vis the Profit reference have been found persuasive and that all current rejections concerning Profit should be read to be *Breneman*. It was further discussed that there were fundamental differences between Stone and the claim recitations in that Stone described a web browser/web browser control that was programmatically integrated with a user application in a computing device and did not receive a command from over a network. The Examiner requested that the any amendments be submitted in writing for his consideration.

112 Rejections

Claims 1-3, 5-23 and 26-31 are rejected under 35 U.S.C. §112, first Paragraph, as containing subject matter not described in the specification in such a way as to reasonably convey that at the time of application, the applicant had possession of the claimed invention. Claims 29-31 have been cancelled thereby rendering the rejections thereof mute.

In the interest of an efficient prosecution, independent claims 1, 11, 15, 23 and 28 have been amended, without prejudice, to remove the cited claim language concerning the legacy based protocol that is incompatible with communication via an internet

browser. As such, the §112 rejections for claims 1-3, 5-23 and 26-28 may now be withdrawn.

103 Rejections

Claims 1, 6, 10, 11, 13 and 29-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis, Jr. et al. (US Pat. No. 6, 738,815) Breneman (US Pat. 5,974,135).

Claims 2, 3, 7, 14, 15-17 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis and Breneman and further in view of Stone et al. (US Pat. No. 6,101,510).

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis in view of Butts et al. (US Pat. No. 6,233,541).

Claims 8, 9, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis in view of Devine (US Pat. No. 6,598,167).

Claims 18 and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willis and Stone in view of Devine et al.

Claims 23 and 26-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Breneman in view of Stone, in further view of Willis.

Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Devine, Breneman and Stone.

Applicants respectfully traverse these rejections.

Claims 1, 6, 10, 11, 13 and 29-30

The Office Action rejects independent claims 1 and 11 by asserting that Willis describes all of the claimed elements with the exception that “the protocol server bypasses the transaction server by directing communications from the computer to the intranet”. The Office Action proceeds by asserting that Breneman cures this conceded deficiency of Willis.

In addition to the conceded deficiencies, supra, Applicants point out that Willis also fails to describe additional claim elements that are asserted by the Office Action to be described in Willis. For example, Willis does not describe that “the systems interface

is adapted to direct communications...from the at least one network address to a separate network address corresponding to the intranet that is distinct from the legacy system". The Office Action cites Figure 3; Column 8, l. 51-67; Column 9, l. 30-55; Column 10, l. 66 – Column 11, l. 12; Column 11, l. 60-67; and claims 3 and 7 as describing these claim elements. However, all of these citations discuss straight forward access by a user computer to the TechNet system interface at a single address. Willis simply does not describe accessing an intranet at all. A TechNet interface is not an intranet.

Further, Willis does not describe that while initially and persistently logged onto the system interface, the systems interface is adapted to direct communications from the computer from the at least one network address to a separate network address. Willis merely teaches that the user logs onto the single TechNet system interface address for the entire communication session. (See Figure 11 comment boxes). Because Willis states that the computer is logged onto a single address for the entire session it is incorrect to say that the communication is redirected to a separate network address.

Breneman describes a computer launching a web browser (Hypermedia Browser Module **304**) to access the internet via a hypermedia server **260**. (Col. 6, l. 6-7; Col. 9, l. 10-15). In its Response to Arguments on page 3 the Office Action impliedly concedes that Breneman also does not describe **directing a user from one network address to a separate network address corresponding to the intranet**. However, the Office Action is apparently using official notice to assert that because Breneman describes separate servers with separate addresses and also that because Breneman is designed to communicate with disparate networks, then it would be obvious for one to modify Willis such that a workstation could concurrently access different communication networks. If that is the case, Applicants point out that the Office Action's official notice is not saying that it would be obvious to **direct communications from the at least one network address to a separate network address** corresponding to the intranet. Directing communications from one address to another is different than independently establishing communications to one address then independently launching a browser to another address as described in Breneman. There is no **directing from** one network address to another separate network address while initially and persistently logged into the system interface (i.e. the protocol server).

To the extent that the Office Action is asserting official notice, Applicants respectfully traverse such official notice for the above reasons. Applicants further assert that since any official notice directed towards **“while initially and persistently logged into the systems interface, directing communications from the at least one network address to a separate network address corresponding to the intranet”** is undocumented, it fails to meet the standard that undocumented official notice must be capable of such instant and unquestionable demonstration as to defy dispute. MPEP 2144.02(A). Applicants respectfully demand authority for the assertion of official notice. MPEP 2144.03(C)

Therefore, for all of the above reasons, since neither Willis nor Breneman describe each and every claim element, their combination fails to describe all of the claim elements and independent claim 1 is allowable over the combination of Willis and Breneman for at least these reasons.

Furthermore, Applicants note that Willis mentions the word “intranet” only once (Col. 14, l. 19) and as merely a future, hoped for enhancement. There is no disclosure sufficient to describe or enable such an enhancement. In order to uphold a prima facie determination of obviousness, the Examiner must make an evaluation at a time just before the invention was made without employing improper hindsight. Although Willis uses the phrase “access an intranet” and Breneman merely describes a conventional browser launch, the combination of Willis and Breneman fails to describe directing communications from the computer from the at least one network address to a separate network address corresponding to the intranet that is distinct from the legacy system while initially and persistently logged onto the system interface. Therefore, Applicants respectfully assert that the Office Action is applying improper hindsight from the Applicant’s specification and is not reaching a conclusion based on facts gleaned solely from the prior art. MPEP 2142. Since the combination of Willis and Breneman fails to describe or suggest the subject matter relied on by the Office Action and certainly fails to enable it, the Applicants respectfully assert that the Office Action has failed to meet the burden for a prima facie case of obviousness based on the combination of Willis and Breneman. As such, amended independent claim 1 is allowable for at least this additional reason.

Independent claim 22 recites similar subject matter and is allowable for at least the same reasons. Dependent claims 2-3, 5-10 and 12-14 depend from an allowable independent claim 1 or 22 are allowable for at least the same reasons. Claims 29 and 30 have been canceled thereby rendering the rejections against them moot.

Claims 2, 3, 6, 7, 14, 15-17 and 19

Claims 2, 3, 7, 14, 15-17 and 19 are currently rejected as being unpatentable under Willis in view of Breneman and Stone. The Office Action rejects independent claim 15 by asserting that Willis describes most of the claim elements but concedes on page 12 that Willis does not describe launching a browser in response to a command from the systems interface, that the protocol server bypasses the transaction server by directing communications from the computer directly to the internet, or that bypassing occurs upon detecting the launch of the browser at the computer. On page 19, the Office Action concedes that Breneman also does not describe a message causing the computer to launch a [browser] that seeks out a separate network address on the intranet.

On page 13, the Office Action asserts that Stone cures this discrepancy of Willis and Breneman by describing “a systems interface sending a command to launch a browser to allow applications to automatically direct the browser to an internet or intranet site without any interaction from the user.”

Claims 2-3, 6-7 and 14 depend from an allowable independent claim 1 or 11 and inherit their respective recitations. Therefore claims 2-3, 6-7 and 14 are allowable for at least the same reasons based on the discrepancies of the combination of Willis and Breneman discussed above concerning allowable independent claims 1 and 11 and because Stone fails to address or cure these discrepancies.

Regarding independent claim 15, this claim now recites, in pertinent part:

“[a] method for accessing data, comprising... launching the browser in response to the command received *over a network* from the systems interface...”

Applicants note that Stone does not address nor cure the discrepancies discussed above and respectfully point out that Stone is merely concerned with integrating and encapsulating web browser functionality into an application program executing in a computing device (Abstract) by writing application code that interacts with a browser

control through a browser control interface that is **dynamically linked with the server application program at runtime**. (Figure 2 {42, 46, 20}, Col. 2, l. 66-67, Col. 3, l. 23-30).

In its rejection, the Office Action specifically equates the server application **44** of Stone to the recited “systems interface”. Server application **44** is explicitly described in Stone to be programmatically integrated with the browser control/browser on the same platform. (Fig. 2). Therefore, Stone merely describes an application **44** executing on a computer triggering an event that causes an **integrated browser/browser control 42 resident on the same computer** to execute a task. Therefore, the command to launch the browser is not being **received over a network**. As such, Stone does not describe that the “command [is] received *over a network* from the systems interface (application **44**)”. Because Stone does not describe “sending a command over the network from the transaction server to the computer to launch a browser”, Stone fails to describe the subject matter asserted by the Office Action.

Therefore, since the Office Action concedes that both Willis and Breneman fail to describe sending a command from the transaction server (application **44**) to the computer to launch a browser and Stone fails to cure this discrepancy, the combination of Willis, Breneman and Stone fails to describe each and every claim element of the claim. As such, amended independent claim 15 is allowable over the Combination of Willis, Breneman and Stone for at least this reason.

Further, there is no motivation to combine Willis and Breneman with Stone as Stone appears to teach away from the claim recitations. Stone describes that the application sending the command, the interface and the browser are all integrated at the host platform at the time of boot up or “runtime.” In addition, Stone states that its integrated web browser control which results from the application being integrated with the browser at runtime supports features “that are difficult, *if not impossible*, to implement using a stand alone browser... One feature is the ability of an application to control specific aspects of a navigation to a [internet address]...”. Amended independent claim 15 recites “launching a browser in response to the command received over a network from the systems interface; and accessing the intranet separately from the legacy systems at a separate network address by the protocol server and bypassing the

transaction server by directing communications from the computer directly to the intranet upon detecting the launch of the browser at the computer.” Because Stone appears to teach away from at least the above claim recitations in that it requires the application to be integrated with the browser at runtime due to the difficult, if not impossible implementation of a stand alone browser, there would be no motivation to combine Stone with the combination of Willis and Breneman in an attempt to meet all of the elements of the claim. Therefore, amended independent claim 15 is allowable over the combination of Willis, Breneman and Stone for at least this additional reason. Dependent claims 16-22 depend from an allowable independent claim 15 and are allowable for at least the same reasons. As discussed above, claims 2, 3, 7, 14 depend from an allowable independent claim 1 or 11 and inherit their recitations. Therefore, claims 2, 3, 7 and 14 are allowable for at least the same reasons.

Claims 23 and 26-27

Claims 23 and 26-27 are currently rejected as being unpatentable under the combination of Breneman in view of Willis and Stone. Amended independent claim 23 recites, in pertinent part:

“[a] computer-readable medium having instructions for performing acts... sending a GUI to the computer, wherein the GUI provides a user of the computer an option to request access to an intranet that is distinct from the legacy the legacy systems...directing communications from the computer from the systems interface to the separate network address by the protocol server bypassing the transaction server by directing the communications from the computer directly to the intranet...”.

Applicants respectfully assert that none of Willis, Breneman or Stone describes “sending a GUI to the computer, wherein the GUI provides a user of the computer an option to request access to an intranet that is distinct from the legacy the legacy systems”.

Applicants further assert that the combination of Willis, Breneman and Stone also fails to describe “directing communications from the computer from the systems interface to the separate network address by the protocol server bypassing the transaction server by directing the communications from the computer directly to the intranet” for the same reasons discussed above in regards to independent claims 1 and 11.

As such, the combination of Willis, Breneman and Stone fails to describe each and every claim element and therefore amended independent claim 23 is allowable over the combination of Willis, Breneman and Stone for at least this reason. Dependent claims 26-27 depend from an allowable amended independent claim 23 and are allowable for at least these same reasons.

Claim 28

Claim 28 is rejected as being unpatentable under the combination of Devine, Breneman and Stone. In its rejection, the Office Action asserts that Devine describes most of the claim recitations but concedes that Devine fails to describe “the transaction server issuing at least one message in response to the request, the at least one message causing the computer to launch a browser application as a second window, and the at least one message causing communications from the computer to be directed from the first network address to a third network address corresponding to the internet. The Office Action asserts that Stone cures these specific discrepancies of Devine.

However, as discussed above in regards to amended independent claim 15, Stone merely describes an application **44** executing on a computer triggering an event that causes an **integrated** browser/browser control **42 resident on the same computer** to execute a task. Because Stone does not describe that the “transaction server (Dispatch server **26**) issues at least one message *over the network* in response to the request, the at least one message causing the computer **10** to launch a browser application **14** as a second window”, Stone fails to describe the subject matter asserted by the Office Action.

Further, Applicants respectfully assert that amended independent claim 28 now contains additional recitations not found in the combination of Devine, Breneman or Stone. For example, none of Devine, Breneman or Stone describes that “the protocol server transmits a GUI to the computer **10** and which displays a first window incorporating one of an icon and a software button that can be engaged to initiate a request for access to an intranet”. As such, the combination of Devine, Breneman and Stone fails to describe each and every claim element and therefore amended independent claim 28 is allowable over the combination of Devine, Breneman and Stone for at least this reason.

Furthermore, as discussed above in regards to independent claim 15, there is no motivation to combine Devine and Breneman with Stone as Stone appears to teach away from the claim recitations. Stone describes that the application sending the command, the interface and the browser are integrated at the host platform at the time of boot up or “runtime”. In addition, Stone states that its integrated web browser control supports features “that are difficult, *if not impossible*, to implement using a stand alone browser... One feature is the ability of an application to control specific aspects of a navigation to a [internet address]...”.

In addition, a fundamental principal of operation of Devine is opposed to that of Breneman such that combining Devine in view of Breneman would necessitate both a change in principal of operation of Devine and render the Devine unsatisfactory for its intended purpose. The purpose of Devine is to protect the security of legacy system information that is accessed by an internet browser. (Col. 1, l. 14-19; Col. 2, l. 26-34). Devine accomplishes this purpose by interposing a webserver **24** and dispatch server **26**, in series, between the internet and the legacy systems. The purpose of web server **24** is to decrypt and verify that the user session is valid and forward the request through a firewall into a secure private intranet. The purpose of the dispatch server **26** is to re-encrypt the request inside the intranet and forward the request to the legacy systems. (Col. 8, l. 17-30). The protocol server and the transaction server are necessarily in series in order to accomplish this central purpose.

Breneman, on the other hand routes customer calls to a number of host legacy systems in what appears to be a hub and spoke arrangement. In its rejection, the Office Action is equating a browser module **304** resident on computer workstation **200** to the recited protocol server and the terminal emulation module **307** also resident on the computer workstation **200** to the recited transaction server. Browser module **304** and the terminal emulation module **307** operate independently and in parallel to route callers from computer workstation **200** to mutually exclusive, parallel computer systems. Contrary to the assertion of the Office Action, Applicants respectfully point out that nothing on Breneman describes browser module **304** and terminal emulation module **307** working in conjunction with each other (i.e., operating in series). Therefore, modifying Devine’s system (i.e. placing the protocol and transaction servers in parallel) in view of

Breneman, such that a computer could concurrently access different communications networks, would change the principal of operation of Devine that relies on the protocol server and the transaction server to be in series such that a user request can be decrypted, verified through a firewall and re-encrypted for further delivery. (FIGS 1, 5). MPEP 2143.01.

Because Stone appears to teach away from the claim recitations in that the command can not be received over a network and because Breneman would change a principal operating principal of Devine or render Devine unfit for its intended purpose, there would be no motivation to combine Stone with the combination of Devine and Breneman. Therefore, amended independent claim 28 is allowable over the combination of Devine, Breneman and Stone for at least these additional reasons.

Conclusion

Applicants assert that the application including claims 1-3, 5-23, and 26-28 is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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